

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 1 is currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-21 remain pending in this application.

Rejections under 35 U.S.C. § 101:

Claims 1-6 stand rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. Specifically, the Examiner argues that the recited method comprises steps which are “purely mental steps and [are] not tied with an apparatus that accomplishes the method steps” Applicant respectfully traverses this rejection for at least the following reasons.

Applicant has amended independent claim 1 to more clearly recite that each of the receiving, parsing and identifying steps are performed “by a client device.” Support for this feature may be found in the originally filed specification and drawings at, for example, Figures 1-3 and paragraphs [0016]-[0018].

Thus, claim 1 is now “tied with an apparatus that accomplishes the method steps.” The claims are, therefore, now directed to statutory subject matter. Accordingly, the rejection under 35 U.S.C. § 101 should be withdrawn.

Rejections under 35 U.S.C. § 103(a):

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over U.S. Patent No. 6,879,979 to Hindawi et al. (hereinafter “Hindawi”) in view of U.S. Patent No. 7,353,259 to Bakke et al. (hereinafter “Bakke”). Applicant respectfully traverses these rejections for at least the reasons that follow.

In rejecting independent claims 1, 7, 14 and 18 of the present application, the Examiner is arguing that Hindawi teaches all of the claimed features except for certain features relating to flag functionality. However, the Examiner is asserting that these features are described in Bakke, and that it would have been obvious to combine these features with Hindawi. Applicant disagrees with the Examiner’s position for at least the following reasons.

As was discussed in Applicant’s previous responses, Hindawi fails to teach or suggest “receiving a provisioning content document from a wireless communication network, the provisioning content document comprising configuration information for a device”. In particular, Hindawi describes sending what are effectively questionnaires (i.e., query documents) from an information requestor to a target computer to inquire about the target computer’s configuration information. Once the information requester receives answers to the query, it can provide better customer services, such as technical support, to the target computer. See, e.g., Hindawi, col. 1, lines 38-40; col. 3, lines 19-24; col. 5, lines 55-65; col. 6, line 66 to col. 7, line 4.

As such, Hindawi describes two types of messages. The first type is a query message, which is sent from the network device to the client device. The second type is a response message, which is sent from the client device to the network device.

A) Hindawi’s query document does not contain configuration information:

Hindawi’s query message cannot read on the pending claims because the query message does not carry “configuration information,” as recited in claims 1, 7, 14 and 18 of the present application. Instead, Hindawi’s query message only comprises questions or inquiries relating to the client device. As is clearly shown in Hindawi’s Figure 2, the query message consists of questions written in “simplified English.” See Hindawi Col. 4, line 35.

These questions are asked in order to determine “presence of certain hardware, software, files, registry, entries, and configuration settings.” See Hindawi, col. 7, lines 26-28. As such, Hindawi’s query document merely contains questions and not configuration information.

In response to the above arguments, the Examiner argues that Hindawi discloses “that the query document carries configuration information (see Abstract, column 3, lines 17-24, and column 5 line 51 to column 6 line 3).” Office Action dated September 17, 2009, page 4. Applicant respectfully notes that each of the portions of Hindawi cited by the Examiner merely disclose that the query document includes queries for configuration information, not the configuration information itself. For example, in the abstract, Hindawi discloses: “The requester first sends query documents that contain queries for configuration information of a computational device” Hindawi, Abstract (emphasis added). The other cited portions of Hindawi similarly disclose that the query documents contain queries for configuration information. Nowhere does Hindawi teach or even suggest that the query documents contain configuration information, as recited in the pending claims.

B) Hindawi’s response message is going to the wrong entity:

With regard to the “response messages” of Hindawi, the response messages are simply going in the wrong direction to satisfy the relevant features of Applicant’s independent claims. For example, at col. 6, lines 63-64, Hindawi specifically teaches “receiving response documents from the client application.” In contrast, Claim 1 recites “receiving a provisioning content document from a wireless communication network.” Therefore, since the response message of Hindawi is being sent from the target computer (i.e., the client) to the network (i.e., the requestor), instead of from the network to the client, the response message of Hindawi is traveling in the wrong direction and, therefore, cannot read on “receiving a provisioning content document from a wireless communication network, the provisioning content document comprising configuration information for a device” or the similar features recited in Applicant’s independent claims.

In response to the above arguments, the Examiner has argued that Applicant’s claims do not recite such limitation regarding the direction of the configuration information. Applicant respectfully disagrees since, for example, claim 1 clearly recites in-part: “receiving

a provisioning document from a wireless communication network.” As such, the provisioning document (comprising the configuration information) is clearly sent from a wireless communication network, which is directly opposite to the direction in which Hindawi’s response messages are transmitted.

C) Hindawi’s scheme is in direct contrast to Applicant’s claimed features:

As described above, Hindawi’s teaches obtaining configuration information regarding a target computer by relying on two messages: a query message and a response message. In contrast, Applicant’s independent claims only involve a single provisioning document that is sent from a wireless communication network. The present specification, at page 10, lines 10-13, further supports this unidirectional approach in describing:

“Since client provisioning is a push-type technology (i.e., the server does not know the client’s capabilities), device manufacturers will also benefit from the implementation.”

Having a single provisioning document, which is recited in Applicant’s claims and supported by the specification, is in direct contrast to Hindawi’s scheme that requires both a query and a response message. Accordingly, Hindawi does not teach or suggest Applicant’s claimed features.

D) Bakke does not describe the claimed features

The Examiner is relying on Bakke to assert that this reference teaches “identifying a flag parameter in an application characteristic of the plurality of characteristics in the provisioning content document, wherein the flag parameter indicates whether parameters should be set in the configuration of the device,” which is recited in the pending claims. However, the sections of Bakke relied upon by the Examiner (i.e., Bakke, col. 5, line 39 to col. 6, line 48; col. 8 lines 15-26; col. 12 line 31 to col. 13, line 16), while mentioning two types of flags, called the “heartbeat change flag” and the “master flag,” respectively, they fail to teach or suggest “a flag parameter in an application characteristic of the plurality of characteristics in the provisioning document,” which is recited in Applicant’s claims. Applicant has specifically described the terms “provisioning document” and “characteristic” in the present specification (see, e.g., page 6, lines 6-13 of the specification). As such, a flag parameter in the context of the present application is specifically related to a provisioning

document and an application characteristic of the plurality of characteristics within that provisioning document. Thus, while embodiments of the present invention provide a flag that is related to a set of parameters and whether or not those parameters are used, Bakke discloses a flag that relates to an entire application and merely indicates whether or not the application is new. For example, Bakke discloses that “the new configuration flag ... is set to indicate that the node should obtain configuration information, if any, for the new application instance.” Bakke, col. 12, lines 46-49. Thus, Bakke describes flag types that are not related to Applicant’s specific claimed features.

This is further evidenced by the Bakke’s disclosure in Figure 4 and the corresponding description related to the “clear heartbeat change flag” step 714. In accordance with the flow chart of Figure 4 of Bakke, the heartbeat change flag is cleared “each time a new multiple instance Heartbeat is sent out. The flag is set, for example, when a configuration has changed for an application instance, ...” Bakke, col. 8, lines 17-22. Thus, Bakke merely discloses a flag that is used to indicate a new application.

E) Bakke fails to cure the deficiencies of Hindawi

The Examiner is relying on Bakke to assert that this reference teaches certain features related to the flag functionality. However, Bakke fails to cure the various deficiencies of Hindawi described in connection with items A through C above. Accordingly, the combination of Hindawi and Bakke fails to render the pending claims obvious under 35 U.S.C. § 103(a).

In response to Applicant’s arguments, the Examiner argues that Applicant has argued against the references individually and notes that “one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.” Office Action dated September 17, 2009, page 5. Applicant respectfully notes that, contrary to the Examiner’s characterization, the above arguments do not argue against the references individually. Rather, as clearly stated in Applicant’s previous reply, the cited references, either alone or in combination, fail to teach or suggest each feature of the pending claims.

For example, as acknowledged by the Examiner, Hindawi fails to teach or suggest the following feature of the pending claims: “identifying a flag parameter in an application characteristic of the plurality of characteristics in the provisioning content document, wherein the flag parameter indicates whether parameters should be set in the configuration of the device.” See Office Action dated September 17, 2009, pages 3-4. As noted above, in accordance with Applicant’s arguments, Bakke also fails to teach or suggest this feature. Thus, it is the combination of the references which fails to teach or suggest each feature of the pending claims and, therefore, fails to establish a *prima facie* case of obviousness.

F) Hindawi and Bakke fail to address the problem solved by the pending claims

Even if the cited references are interpreted as disclosing each feature of the pending claims, it is unreasonable to conclude that one of ordinary skill in the art would combine the teachings of Hindawi and Bakke to arrive at the present invention.

As noted in the “Background of the Invention” portion of the originally filed specification, different applications require different sets of parameters. Existing templates fail to accommodate provisioning for use with applications that require different settings. For example, certain applications may require additional settings. See Specification, paragraphs [0002]-[0004]. As exemplarily described in the specification:

“extra parameters that are required are flag type parameters that can have, for example, the following values: ON/OFF, 0/1, etc. However, conventional systems require that all additional settings be parsed separately to different applications, even if they have the same type of information.” Specification, paragraph [0003].

Embodiments of the present invention address this problem. For example, as described by the example computer code in paragraph [0019] of the specification, FLAG parameter may be provided at multiple levels. When the provisioning content document is parsed, if FLAG at a higher level is set to “0”, the lower levels are not considered. For example, if FLAG for APPADDR is set to “0”, then FLAG for the PORT characteristic under APPADDR is not considered. As a result, “the flags make usage of the APPLICATION characteristics template more efficient.” Specification, paragraph [0027].

Neither Hindawi nor Bakke address the problem described in the present disclosure and, therefore, do not present the solutions proposed by the pending claims. Hindawi is directed at providing a system in which “queries should be written in an intuitive and non-threatening language reminiscent of plain English or other natural language and the answers can be read and understood by non-experts.” Hindawi, col. 3, lines 2-5. There is no teaching or suggestion in Hindawi of any feature that is directed at making “usage of the APPLICATION characteristics template more efficient.”

Bakke similarly fails to address the problems solved by the pending claims. As noted above, Bakke merely discloses a flag that is used to indicate a new application. The setting or unsetting of the flag of Bakke merely conveys an indication of a new application. Again, there is no teaching or suggestion in Bakke of any feature directed at making “usage of the APPLICATION characteristics template more efficient.”

Conclusion:

Therefore, claims 1, 7, 14 and 18 are patentable. Further, claims 2-6, 8-13, 15-17 and 19-21 each depend, either directly or indirectly, from one of allowable claims 1, 7, 14 or 18 and are, therefore, patentable for at least that reason, as well as for other patentable features when these claims are considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid

amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date February 17, 2010

By /G. Peter Albert, Jr./

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6735
Facsimile: (858) 792-6773

G. Peter Albert Jr.
Attorney for Applicant
Registration No. 37,268